

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 12 Misc. 0115 (JSR)

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Liquidation of Bernard L. Madoff Investment
Securities LLC,

Plaintiff,

v.

ABN AMRO BANK N.V. (presently known as
THE ROYAL BANK OF SCOTLAND, N.V.),
ABN AMRO INCORPORATED, RYE
SELECT BROAD MARKET XL FUND, LP
and RYE SELECT BROAD MARKET XL
PORTFOLIO LIMITED,

Defendants.

No. 11 Civ. 06878 (JSR)

Adv. Pro. No. 10-05354 (BRL)

**NOTICE OF MOTION TO DISMISS THE COMPLAINT
PURSUANT TO SECTION 546(g) OF THE BANKRUPTCY CODE**

PLEASE TAKE NOTICE THAT, upon the accompanying declaration of Michael S. Feldberg dated July 18, 2012, and the accompanying memorandum of law dated July 18, 2012, defendants ABN AMRO Bank N.V. (presently known as the Royal Bank of Scotland N.V.) and ABN AMRO Incorporated (now merged into RBS WCS Holding Company) (together, “RBS/ABN”), will move this Court before the Honorable Jed S. Rakoff, United States District Judge, at the United States Courthouse, 500 Pearl Street, Courtroom 14B, New York, New York, 10007, on the 24th of September, 2012 at 4:30 pm, for an order pursuant to Rules 8, 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure dismissing the complaint with prejudice on the grounds that the Trustee’s claims against RBS/ABN are barred by section 546(g) of the Bankruptcy Code.

PLEASE TAKE FURTHER NOTICE that pursuant to the instructions provided during the scheduling conference on May 17, 2012 and the agreement of the parties, the Trustee’s opposition papers shall be served and filed on or before August 31, 2012, and RBS/ABN’s reply papers shall be served and filed on or before September 14, 2012.

Dated: New York, New York
July 18, 2012

ALLEN & OVERY LLP

s/ Michael S. Feldberg

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and ABN AMRO Incorporated